

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GREGORY J. WRENN,

Plaintiff,

No. C 03-04057 JSW

v.

BOY SCOUTS OF AMERICA,

Defendant.

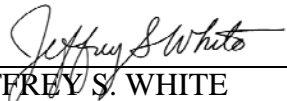
**ORDER GRANTING MOTION TO
LIFT STAY**

Due to the delay in reaching a final, appealable judgment in the related proceeding pending before the Trademark Trial and Appeal Board (“TTAB”), the Court HEREBY LIFTS the stay in this action for good cause shown. “To the extent that a civil action in a Federal district court involves issues in common with those in a proceeding before the Board, the decision of the Federal district court is often binding upon the Board, while the decision of the Board is not binding upon the court.” Trademark Trial and Appeal Board Manual of Procedure, § 510.02(a); *see also American Bakeries Co. v. Pan-O-Gold Baking Co.*, 650 F. Supp. 563, 566-68 (D. Minn. 1986) (holding that stay of district court proceedings was not warranted where a stay would result in long delay of the district court action and the TTAB determination would be merely advisory to the courts while the district court could conclusively determine the issues common to both proceedings). Accordingly, the stay is LIFTED.

1 In his recent request to address the pending motion to lift the stay, Plaintiff indicates that
2 he would be willing to consent to the referral of this matter before a Magistrate Judge of this
3 Court. Defendant shall have until September 7, 2007 to inform the Court in writing whether it
4 too will consent to a Magistrate Judge, either a randomly-assigned Magistrate or a specific
5 Magistrate, for all purposes. Once the Court has received the Defendant's position on consent,
6 it will either refer the case or set a further case management conference on its calendar in order
7 to proceed with this matter.

8
9 **IT IS SO ORDERED.**

10
11 Dated: August 28, 2007



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE